| 1 2 3 4 5 6 7 | James C. Krieg [SBN 77069] Allison Lane Cooper [SBN 152384] KRIEG, KELLER, SLOAN, REILLEY & ROMAN 114 Sansome Street, 4 th Floor San Francisco, CA 94104 Telephone: (415) 249-8330 Facsimile: (415) 249-8333 Attorneys for Defendant AMERICAN INTERNATIONAL SPECIAL LINES INSURANCE COMPANY | | |
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| 11 | UNITED STATES DISTRICT COURT | | |
| 12 | NORTHERN DISTRICT OF CALIFORNIA | | |
| 13 | (SAN FRANCISCO DIVISION) | | |
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| 15 | THE DOCTORS COMPANY, | Case No.: C 07 1087 JSW | |
| 16 | Plaintiff, | STIPULATION AND [PROPOSED] | |
| 17 | v. | ORDER REMANDING CASE TO STATE COURT | |
| 18 | AMERICAN INTERNATIONAL | | |
| 19 | SPECIALTY LINES INSURANCE COMPANY, and Does 1 to 100, inclusive, | | |
| 20 | | | |
| 21 | Defendants. | | |
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| 24 | Plaintiff The Doctors Company, an Interinsurance Exchange ("TDC") and Defendant | | |
| 25 | American International Specialty Lines Insurance Company ("AISLIC"), stipulate as follows | | |
| 26 | and respectfully request that the Court enter the parties' proposed order appended to this | | |
| 27 | stipulation. | | |
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| | 1. | On January 23, 2007, TDC filed its Complaint against AISLIC in the Superior |
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| Court | for the | State of California, in and for the county of Napa, Case No. 26-36415 (the |
| "State | Court" | ⁷). |

- 2. On January 24, 2007, TDC filed its First Amended Complaint against AISLIC in the State Court.
- 3. On February 22, 2007, AISLIC answered the First Amended Complaint in State Court, and filed a Notice of Removal of the action to this Court (Docket No. 1).
- 4. In the Notice of Removal, AISLIC alleged, as a basis for invoking this Court's jurisdiction, diversity of citizenship, as the complaint demonstrated that TDC is an interinsurance exchange formed and existing under the laws of California, with its principal place of business in Napa, California, and AISLIC is an Alaska corporation.
- 5. After AISLIC removed the case to this Court, TDC asserted that there was no diversity of citizenship, and the parties began meet and confer efforts to resolve the diversity issue.
- 6. On March 26, 2007, TDC filed its Motion to Remand the case to State Court (Docket No. 10). In its Motion to Remand, TDC requested the imposition of sanctions against AISLIC for improper removal.
- 7. On March 27, 2007, TDC filed its Amended Notice of Motion and Motion to Remand (Docket No. 15).
- 8. Subsequent to the filing of the Motion to Remand, the parties continued their meet and confer efforts with regard to the diversity issue.
- 9. Based on information it received from TDC and the California Department of Insurance after TDC filed its Motion to Remand, it now appears to AISLIC that there is not complete diversity of citizenship between the parties, and that it is appropriate to remand this action to the State Court.
- 10. Based on the foregoing, TDC agrees to withdraw with its Motion to Remand and its request for sanctions.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED: 1 11. The parties consent and agree to this Court's remand of the action to the State 2 Court. 3 12. AISLIC agrees that TDC has not waived its right to recover its fees in 4 connection with the removal of this action at the conclusion of this matter should it prevail, 5 6 pursuant to Brandt v. Superior Court, 37 Cal.3d 813 (1985). 13. TDC agrees that AISLIC is not waiving its right to contest the reasonableness 7 of the fees incurred by TDC in connection with the removal of this matter. 8 Dated: April 6, 2007 THELEN, REID, BROWN, RAYSMAN & STEINER LLP 9 10 11 /s/ John A. Chatowski By: 12 JOHN A. CHATOWSKI 13 Attorneys for Plaintiff THE DOCTORS COMPANY 14 15 Dated: April 6, 2007 KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP 16 17 18 /s/ Allison Lane Cooper_ By: 19 ALLISON LANE COOPER Attorneys for Defendant 20 AMERICAN INTERNATIONAL 21 SPECIALTY LINES INSURANCE COMPANY 22 23 24 25 26 27 3 28

Good cause appearing, IT IS HEREBY ORDERED that this action shall be remanded to the Superior Court of the State of California, in and for the County of Napa. April 6_, 2007 DATED: UNITED STATES DISTRICT JUDGE

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